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PTO/SB/22 (10-04)

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PETITION FOR EXTENSION OF TIME UNDER 37 CFR 1.136(a) FY 2005 (fees effective on or after October 1, 2004)		Docket Number (Optional) DEAV2001/0051 US NP 1	
Application Number 10/692,725		Filed October 27, 2003	
For Use of derivatives of C2-substituted Indan-1-ol systems for the preparation of medicaments for the prophylaxis or treatment of obesity			
Art Unit 1621		Examiner Vollano, Jean F.	
This is a request under the provisions of 37 CFR 1.136(a) to extend the period for filing a reply in the above identified application.			
The requested extension and fee are as follows (check time period desired and enter the appropriate fee below):			
	Fee	Small Entity Fee	
<input type="checkbox"/> One month (37 CFR 1.17(a)(1))	\$110	\$55	\$ _____
<input type="checkbox"/> Two months (37 CFR 1.17(a)(2))	\$430	\$215	\$ _____
<input checked="" type="checkbox"/> Three months (37 CFR 1.17(a)(3))	\$880	\$490	\$ 980.00
<input type="checkbox"/> Four months (37 CFR 1.17(a)(4))	\$1530	\$765	\$ _____
<input type="checkbox"/> Five months (37 CFR 1.17(a)(5))	\$2080	\$1040	\$ _____
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27.			
<input type="checkbox"/> A check in the amount of the fee is enclosed.			
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.			
<input type="checkbox"/> The Director has already been authorized to charge fees in this application to a Deposit Account.			
<input checked="" type="checkbox"/> The Director is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account Number <u>18-1982</u> . I have enclosed a duplicate copy of this sheet.			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
I am the <input type="checkbox"/> applicant/inventor.			
<input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed (Form PTO/SB/96).			
<input checked="" type="checkbox"/> attorney or agent of record. Registration Number <u>34,650</u>			
<input type="checkbox"/> attorney or agent under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____			
 Signature		November 04, 2004 Date	
Barbara E. Kurya Typed or printed name		908-231-2965 Telephone Number	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.			

2/15/2004 PST 11:00:10 1A19A2 10692725 forms are submitted.

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This collection of information is required by 37 CFR 1.136(a). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 6 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1430, Alexandria, VA 22313-1430. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1430, Alexandria, VA 22313-1430.

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NOV 04 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Gerhard Jaehne et al

Examiner: Vollano, Jean

Art Unit: 1621

Application No.: 10/692,735

Filed: October 27, 2003

Title: **DERIVATIVES OF SUBSTITUTED
INDAN-1-OL SYSTEMS FOR THE
PROPHYLAXIS OR TREATMENT OF
OBESITY**

TELEFAX CERTIFICATE

I hereby certify that this correspondence is being
transmitted via facsimile to the Commissioner for
Patents, Alexandria, VA 22313, on

11-4-2004
Date of transmission
Benita Walker
Signature

Terminal Disclaimer

Mail Stop Art Unit 1621
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

Your petitioner, Aventis Pharma Deutschland GmbH, a corporation having offices in Industriepark Hoechst, Gebaude K801, Frankfurt Am Main, Germany, represents that it is the assignee of Application Serial No. 10/692,723, filed on October 27, 2003, by virtue of an assignment to Aventis Pharma Deutschland GmbH which was recorded on December 10, 2002, set out in reel 013567 and frame 0864 in parent Application Serial No. 10/230,379 filed on August 29, 2002, under parent application number 10/230,379 filed August 29, 2002.

Your petitioner, Aventis Pharma Deutschland GmbH, hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of Patent No. 6,717,008, which is assigned to and commonly owned by Aventis Pharma Deutschland GmbH and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to United States Patent No. 6,717,008, this agreement to run with any patent granted on the above-identified application and to be binding upon the grant, its successors or assigns. Such disclaimer does not, however, mean that petitioner hereby waives or disclaims any right to an extension of the term of any patent issuing from application serial number 10/692,723, under 35 U.S.C. § 156, pursuant to (a) Title II of Pub. L. No. 98-417, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Restoration Act of 1984", (b) Pub. L. No. 100-617, enacted on September 24, 1984, and entitled the "Drug Price Competition and Patent Term Extension Act of 1984", (b) Pub. L. No. 100-670, enacted November 16,

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1988 and entitled "Patent Term Extension for Animal Drug Products", or (c) any other subsequently enacted Public Law or Act which provides for the extension of the term of a patent.

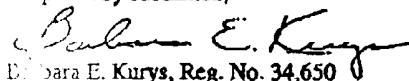
Such disclaimer does not disclaim any terminal part of any patent granted on the above-identified application prior to the expiration of the full statutory term, in the event that it later expires for failure to pay a maintenance fee, is unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321(a), has all claims cancelled by a reexamination certificate, or is otherwise terminated prior to the expiration of its statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title as stated above. For submissions on behalf of Aventis Pharma Deutschland GmbH, the undersigned is empowered to act on behalf of the organization. Enclosed is a Statement under 37 C.F.R. 3.73(b) Establishing Right of Assignee to Take Action.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information received are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Please charge Deposit Account No. 18-1982 in the amount of \$110.00. Two duplicate copies of this sheet are enclosed. The Commissioner is authorized to charge any fees under 37 CFR 1.16 - 1.21 or credit any overpayment to Deposit Account No. 18-1982.

Signed at Bridgewater, New Jersey, this 4th day of November, 2004.

Respectfully submitted,


Barbara E. Kurys, Reg. No. 34,650
Attorney/Agent for Applicant

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Aventis Docket No. DEAV2001/

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